

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JOSEPH F. HOFFMAN	:	VIOLATIONS:
CHARLES P. MIRARCHI, III,	:	18 U.S.C. § 371 (mail fraud conspiracy -
a/k/a "C.P.,"	:	1 count)
MENACHEM REIBENBACH	:	18 U.S.C. §§ 1343, 1346 (wire fraud -
	:	3 counts)
	:	18 U.S.C. §§ 1341, 1346 (mail fraud -
	:	1 count)
	:	18 U.S.C. § 1951(a) (Hobbs Act
	:	conspiracy - 1 count)
		18 U.S.C. § 1951(a) (Hobbs Act extortion -
		3 counts)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant JOSEPH F. HOFFMAN was a hearing examiner in the Bureau of Administrative Adjudication (BAA), a division of the Finance Department for the City of Philadelphia.
2. The BAA employed hearing examiners to consider challenges to alleged violations of provisions of the Philadelphia Traffic Code relating to parking and requests to reduce the fines for such violations.
3. As a hearing examiner, defendant JOSEPH F. HOFFMAN was responsible for fairly and honestly applying the parking laws of the City of Philadelphia and judging each case on its merits.

4. As a hearing examiner, defendant JOSEPH F. HOFFMAN was required to investigate the facts fully at a hearing to assure effective and fair application of the law. Defendant HOFFMAN was aware that the public perception of effective and fair application of the law was necessary to ensure that the law be obeyed.

5. As a hearing examiner, defendant JOSEPH F. HOFFMAN also was aware that if hearing examiners displayed unwarranted leniency towards certain people with parking tickets, that is, gave undeserved favorable treatment, it would undermine public confidence in the adjudication of parking tickets.

6. As a hearing examiner, defendant JOSEPH F. HOFFMAN also knew that if an individual attempted to influence any decision outside a properly held hearing, he was to make his superiors aware of the attempt and was to take no action on the case without specific approval by the superiors.

7. As an employee of the City of Philadelphia, defendant JOSEPH F. HOFFMAN was prohibited by law from soliciting, accepting, or receiving any gift, loan, gratuity, favor or service of substantial economic value that might reasonably be expected to influence him in the discharge of his official duties from any person, firm, corporation, and other business or professional organization.

8. As an employee of the City of Philadelphia, defendant JOSEPH F. HOFFMAN knew that if he had a financial interest in any case, he must disclose this interest and disqualify himself from the case.

9. CHARLES P. MIRARCHI, III, a/k/a "C.P.," (charged elsewhere in this indictment) was an attorney licensed to practice law in the Commonwealth of Pennsylvania and was also employed by the City of Philadelphia as a Deputy City Commissioner.

10. MENACHEM REIBENBACH (charged elsewhere in this indictment) owned and operated several taxi cab companies.

Bureau of Administrative Adjudication Procedures

11. An individual who received a parking ticket and wished to contest that ticket was required to schedule a hearing either by phone, by mail, or in person at the BAA. An unscheduled walk-in appeal generally was not permitted.

12. Notifications of hearings were sent through the mail, usually were scheduled for a date several months in the future, and were not scheduled to occur before any particular hearing examiner.

13. The individual responsible for the parking violation generally was required to appear for the hearing unless he or she was represented by counsel. Attorneys were limited to four cases each day and, if the individual responsible for the parking violation did not appear in person, were required to present an affidavit from that person and explain the reasons why the violation should be dismissed or the fines reduced.

14. At the BAA, individuals were required to sign in and had their case called on a first-come, first-served basis. Hearings were not pre-assigned to particular examiners.

15. Hearings were required to be recorded. Individuals contesting their tickets were required to explain the violations or offer reasons to reduce the fines. Only after considering the reasons offered for the violations were hearing examiners allowed to dismiss violations and reduce fines.

The Conspiracy

16. From at least as early as the fall 1999 to in or about March 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

JOSEPH F. HOFFMAN

conspired and agreed together with CHARLES P. MIRARCHI, III, MENACHEM REIBENBACH, and others known and unknown to the grand jury, to devise and intend to devise a scheme to: (1) defraud the City of Philadelphia and its citizens of the intangible right to the honest services of defendant JOSEPH F. HOFFMAN; (2) defraud the City of Philadelphia; and (3) obtain money and property by means of false and fraudulent pretenses, representations, and promises, and, for the purposes of executing this scheme, and attempting to do so, knowingly caused to be delivered by mail according to the directions thereon letters from the BAA to individuals for whom defendant HOFFMAN had scheduled hearings for the purpose of making his ticket fixing scheme appear legitimate in violation of Title 18, United States Code, Sections 1341 and 1346.

MANNER AND MEANS

It was part of the conspiracy that:

17. In exchange for payoffs of money, food and liquor, and/or in anticipation of future political contributions and favors, defendant JOSEPH F. HOFFMAN fixed parking tickets by improperly dismissing tickets and reducing fines, causing lost revenue of hundreds of thousands of dollars to the City of Philadelphia and undermining the public confidence in the honest, fair, and just administration of laws by BAA hearing examiners.

18. At various times, defendant JOSEPH F. HOFFMAN concealed his scheme by making it appear that parking tickets were being handled in the proper manner, that is, he directed that hearings on tickets he intended to fix be scheduled for a future date and caused notices of those future hearing dates to be sent to ticket holders by the United States mail.

19. Once scheduled for a hearing date, if the recipients of the parking tickets that defendant JOSEPH F. HOFFMAN intended to dismiss appeared, defendant HOFFMAN usually deviated from proper BAA practices and improperly dismissed their tickets or reduced their fines. If the recipients did not appear, defendant HOFFMAN simply dismissed tickets without a hearing. To conceal the lack of a hearing, defendant HOFFMAN caused an attorney to enter an appearance on behalf of the ticket recipient, despite the fact that the attorney knew nothing about the tickets and did not represent the ticket recipient.

20. CHARLES P. MIRARCHI, III assisted defendant JOSEPH F. HOFFMAN by making the ticket fixing look “legitimate” by entering appearances as a lawyer for ticket recipients he did not represent and for whom defendant HOFFMAN was fixing tickets.

21. At various times, defendant JOSEPH F. HOFFMAN disguised his receipt of payments from ticket recipients by using CHARLES P. MIRARCHI, III as a bagman to accept improper payoffs, which MIRARCHI later split with defendant HOFFMAN. These payments were disguised as “retainers” for MIRARCHI, who had performed no legal services in return for these “retainers.”

22. To further conceal his receipt of improper payments and in an attempt to continue the scheme, defendant JOSEPH F. HOFFMAN attempted to return some of these payments, after he became aware that he was being investigated, by falsely claiming they were “loan repayments”

to CHARLES P. MIRARCHI, III, despite the fact that defendant HOFFMAN had received no loans from MIRARCHI.

OVERT ACTS

In furtherance of the conspiracy, defendant JOSEPH F. HOFFMAN, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. In or about mid-1999, defendant JOSEPH F. HOFFMAN directed Person # 1, an individual known to the grand jury who was an employee of an elected official, to bring him tickets for ward leaders, committee persons, and constituents of that elected political official several times per month.

2. From in or about mid-1999 through in or about February 2003, at least twice per month, at the direction of defendant JOSEPH F. HOFFMAN, BAA personnel scheduled hearings at future dates for tickets that had been dropped off by Person # 1.

3. From in or about mid-1999 through in or about February 2003, at least twice per month, at the direction of defendant JOSEPH F. HOFFMAN, BAA personnel caused notices of the scheduled hearing dates to be sent by the United States mail to the recipients of those tickets that had been dropped off by Person # 1.

4. From in or about mid-1999 through in or about February 2003, approximately once per month, at the direction of defendant JOSEPH F. HOFFMAN, Person # 1 prepared a list for defendant HOFFMAN of the scheduled hearing dates for tickets Person # 1 had dropped off with defendant HOFFMAN.

5. From in or about mid-1999 through in or about February 2003, at least several times per year, at the direction of defendant JOSEPH F. HOFFMAN, Persons #s 2 and 3, an elected official and a committee person known to the grand jury, scheduled hearings directly with defendant HOFFMAN with the understanding that their tickets would be dismissed.

6. From in or about mid-1999 through in or about January 2003, on at least a bi-monthly basis, at the direction of defendant JOSEPH F. HOFFMAN, Persons #s 4 and 5, individuals known to the grand jury who were involved with a restaurant in center city Philadelphia, gave parking tickets to defendant HOFFMAN with the understanding that their tickets would be dismissed and with the further understanding that they would provide defendant HOFFMAN with complimentary meals and alcoholic beverages at that center city restaurant.

7. From in or about mid-1999 through in or about February 2003, several times per week, CHARLES P. MIRARCHI, III, at the direction of defendant JOSEPH F. HOFFMAN, completed approximately 15 to 30 Entry of Appearance forms at the BAA on behalf of elected officials, committee people and ward leaders, as well as other individuals for whom defendant HOFFMAN was fixing parking tickets, despite the fact that MIRARCHI was not representing these individuals, that MIRARCHI knew nothing about the circumstances of their tickets, and that MIRARCHI knew that their tickets were being improperly dismissed without a hearing and for no legitimate reason.

Examples of improper parking ticket dismissals

On or about each of the following dates, each date representing a separate overt act, defendant JOSEPH F. HOFFMAN dismissed at least the following number of tickets on behalf of the following people:

OVERT ACT	DATE	NUMBER OF TICKETS DISMISSED	PERSON
8	4/7/99	9	Person # 6, a committee person
9	5/25/99	6	Person # 7, a committee person
10	6/7/99	17	Person # 7, a committee person
11	7/6/99	19	Person # 8, a committee person
12	7/27/99	3	Person # 9, a ward leader
13	8/25/99	18	Person # 8, a committee person
14	9/1/99	4	Person # 4, a restaurant owner
15	12/7/99	2	Person # 9, a ward leader
16	12/20/99	18	Person # 8, a committee person
17	12/28/99	2	Person # 9, a ward leader
18	1/6/00	9	Person # 8, a committee person
19	2/8/00	12	Person # 4, a restaurant owner, and Person # 5, a restaurant employee
20	2/15/00	9	Person # 6, a committee person

OVERT ACT	DATE	NUMBER OF TICKETS DISMISSED	PERSON
21	2/15/00	1	Person # 9, a ward leader
22	3/7/00	29	Person # 7, a committee person
23	3/27/00	25	Person # 4, a restaurant owner and Person # 5, a restaurant employee
24	4/10/00	13	Person # 8, a committee person
25	5/17/00	8	Person # 5, a restaurant employee
26	6/23/00	13	Person # 8, a committee person
27	8/14/00	15	Person # 4, a restaurant owner and Person # 5, a restaurant employee
28	10/2/00	15	Person # 5, a restaurant employee
29	10/3/00	12	Person # 8, a committee person
30	11/1/00	2	Person # 9, a ward leader
31	11/20/00	26	Person # 4, a restaurant owner
32	1/22/01	12	Person # 4, a restaurant owner
33	2/6/01	10	Person # 5, a restaurant employee
34	3/12/01	17	Person # 4, a restaurant owner
35	3/14/01	5	Person # 3, a committee person and Person # 2, a public official

OVERT ACT	DATE	NUMBER OF TICKETS DISMISSED	PERSON
36	3/23/01	8	Person # 10, a committee person
37	4/11/01	8	Person # 10, a committee person
38	4/23/01	10	Person # 4, a restaurant owner
39	4/30/01	4	Person # 10, a committee person
40	5/17/01	13	Person # 8, a committee person
41	5/23/01	10	Person # 4, a restaurant owner
42	6/11/01	7	Person # 3, a committee person and Person # 2, a public official
43	7/9/01	8	Person # 4, a restaurant owner
44	7/20/01	2	Person # 3, a committee person and person # 2, a public official
45	7/24/01	2	Person # 3, a committee person and Person # 2, a public official
46	7/25/01	7	Person # 4, a restaurant owner
47	8/7/01	2	Person # 3, a committee person and Person # 2, a public official
48	9/5/01	19	Person # 4, a restaurant owner
49	9/14/01	2	Person # 3, a committee person and Person # 2, a public official

OVERT ACT	DATE	NUMBER OF TICKETS DISMISSED	PERSON
50	10/2/01	13	Person # 8, a committee person
51	10/23/01	4	Person # 3, a committee person and Person # 2, a public official
52	10/30/01	22	Person # 4, a restaurant owner
53	12/3/01	39	Person # 5, a restaurant employee
54	6/17/02	9	Person # 6, a committee person
55	2/6/03	4	Person # 6, a committee person

56. On or about June 18, 2002, Person # 11 told Person # 12 that he would be meeting with “this guy,” referring to defendant JOSEPH F. HOFFMAN, to have the parking tickets “taken care of,” that is, dismissed

57. A few hours later, on or about June 18, 2002, Person # 11 told defendant JOSEPH F. HOFFMAN that Person # 11 had two people for whom he needed to get “something straightened out,” that is get tickets dismissed, and defendant JOSEPH HOFFMAN asked Person # 11 when Person # 11 wanted to meet.

58. On or about June 19, 2002, Person # 11 told Person # 12 that defendant JOSEPH F. HOFFMAN was going to schedule a hearing date for Person # 12, and that defendant HOFFMAN would take care of Person # 12's tickets.

59. On or about June 26, 2002, Person # 13 told Person # 11 that Person # 13 was concerned that Person #13's Mercedes would be towed due to outstanding tickets, and Person

11 told Person # 13 that Person #11 would discuss the matter with defendant JOSEPH F. HOFFMAN.

60. On or about July 24, 2002, Person # 11 told Person # 14 that he had been unable to reach defendant JOSEPH HOFFMAN, and that Person # 11 did not want to leave a message because Person # 11 did not want anyone to know what was going on.

61. On or about August 6, 2002, Person # 13 asked Person # 11 about the status of his outstanding parking tickets. Person # 11 told Person #13 that they would meet defendant JOSEPH F. HOFFMAN to discuss dismissal of the tickets.

62. On or about May 14, 2002, MENACHEM REIBENBACH and Person # 15 discussed paying defendant JOSEPH F. HOFFMAN in exchange for HOFFMAN's help in dismissing or reducing thousands of dollars in outstanding parking tickets against the numerous taxi cabs operated by Person # 15 and REIBENBACH.

63. On or about July 9, 2002, while Person # 15 was in Florida, defendant JOSEPH F. HOFFMAN called Person # 15's phone, and left a message seeking a meeting with Person # 15.

64. On or about July 9, 2002, while Person # 15 was in Florida, Person # 15 spoke with MENACHEM REIBENBACH, who said that he had met with defendant JOSEPH F. HOFFMAN the previous day and that defendant HOFFMAN had a document showing that Person # 15 had more than \$47,000 in outstanding parking tickets. REIBENBACH also said that defendant HOFFMAN wanted a \$2,000 cash payoff to dismiss the tickets.

65. On or about July 9, 2002, while Person # 15 was in Florida, Person # 15 spoke with defendant JOSEPH F. HOFFMAN to arrange a meeting regarding the dismissal of Person # 15's parking tickets.

66. On or about July 19, 2002, Person # 15 told defendant JOSEPH F. HOFFMAN that Person # 15 would “take care” of defendant HOFFMAN when they met. Defendant HOFFMAN cautioned Person # 15 to be careful because they were on a telephone.

67. On or about July 23, 2002, defendant JOSEPH F. HOFFMAN and CHARLES P. MIRARCHI, III came to Person # 15’s office. Defendant HOFFMAN told Person # 15 that MIRARCHI was an attorney who could “represent” Person # 15 to make the relationship “look more professional.” Defendant HOFFMAN promised to clear up the tickets without Person # 15 coming into the BAA, and dismiss the tickets over time so it did not look like “a big hole in the wall.”

68. On or about July 23, 2002, Person # 15 counted out \$2,000 in cash in defendant JOSEPH F. HOFFMAN’s presence, and defendant HOFFMAN falsely told Person # 15 that the money would be MIRARCHI’s “retainer.”

69. On or about July 23, 2002, Person # 15 gave an envelope with the \$2,000 payoff to CHARLES P. MIRARCHI, III, which MIRARCHI then split with defendant JOSEPH F. HOFFMAN.

70. On or about August 2, 2002, CHARLES P. MIRARCHI, III informed Person # 15 that Person # 15 should write a check to the City of Philadelphia for \$9,600 to make the \$47,127 in parking tickets “go away,” and make an additional \$3,000 cash payoff to MIRARCHI to share with defendant JOSEPH F. HOFFMAN.

71. On or about August 2, 2002, Person # 15 gave CHARLES P. MIRARCHI, III an envelope containing the \$3,000 cash payoff, which MIRARCHI later split with defendant JOSEPH F. HOFFMAN.

72. On or about August 7, 2002, Person # 15 told defendant JOSEPH F. HOFFMAN that Person #15 was upset because HOFFMAN had given other companies better deals on their parking tickets. Defendant JOSEPH F. HOFFMAN told Person # 15 that HOFFMAN would review Person # 15's files and that Person #15 would be "very happy."

73. On or about August 12, 2002, CHARLES P. MIRARCHI, III gave Person # 15 reports showing that numerous tickets had been dismissed on August 1 and 12, 2002. MIRARCHI and Person # 15 discussed decreasing the amount of money Person # 15 would pay to the City of Philadelphia and increasing the amount Person # 15 would pay to defendant JOSEPH F. HOFFMAN and MIRARCHI. MIRARCHI told Person #15 that Person # 15's tickets would be reduced over time to avoid "raising eyebrows," and that Person # 15 could make six payments to the city totaling \$3,500, rather than paying the city the \$9,600 as originally agreed.

74. On or about August 30, 2002, Person # 15 and CHARLES P. MIRARCHI, III had a series of meetings during which MIRARCHI told Person # 15 that defendant JOSEPH F. HOFFMAN had dismissed 84 parking tickets and substantially reduced 24 parking tickets for Person # 15. In exchange for the dismissals, MIRARCHI asked Person # 15 to make an additional payment, and MIRARCHI and Person # 15 agreed that an additional payoff of "2Gs" would be fair.

75. On or about September 17, 2002, Person # 15 gave CHARLES P. MIRARCHI, III a \$2,000 cash payoff, which MIRARCHI later split with defendant JOSEPH F. HOFFMAN.

76. On or about March 5, 2003, for the purpose of disguising his portion of the \$7,000 in payoffs from Person # 15, defendant JOSEPH F. HOFFMAN sent a letter to CHARLES P. MIRARCHI, III enclosing a check for \$4,000, which falsely represented that

defendant HOFFMAN was repaying a “loan” to MIRARCHI, when, in fact, the \$4,000 check and letter referred to illegal payoffs that defendant HOFFMAN had received for improperly dismissing tickets and reducing fines.

All in violation of Title 18, United States Code, Section 371

COUNTS TWO THROUGH FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 and 17 to 22 and Overt Acts 1 to 76 of Count One are incorporated here.

2. From in or about May 2002 through in or about March 2003, defendant

JOSEPH F. HOFFMAN

devised and intended to devise a scheme to: (1) defraud the City of Philadelphia and its citizens of the intangible right to the honest services of defendant JOSEPH F. HOFFMAN; (2) defraud the City of Philadelphia; and (3) obtain money and property by means of false and fraudulent pretenses, representations, and promises.

3. On or about each of the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

JOSEPH F. HOFFMAN,

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting

a separate count:

COUNT	DATE	DESCRIPTION OF WIRE COMMUNICATION
2	July 9, 2002	Interstate telephone call from defendant JOSEPH F. HOFFMAN to Person # 15.
3	July 9, 2002	Interstate telephone call between Person # 15 and MENACHEM REIBENBACH to discuss dismissal of parking tickets.
4	July 9, 2002	Interstate telephone call between defendant JOSEPH F. HOFFMAN and Person # 15 to discuss dismissal of parking tickets.

All in violation of Title 18, United States Code, Sections 1343, 1346 and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 and 17 to 22 and Overt Acts 1 to 76 of Count One are incorporated here.

2. From in or about May 2002 through in or about March 2003, defendants

**JOSEPH F. HOFFMAN and
CHARLES P. MIRARCHI III
a/k/a "C.P.,"**

devised and intended to devise a scheme to: (1) defraud the City of Philadelphia and its citizens of the intangible right to the honest services of defendant JOSEPH F. HOFFMAN; (2) defraud the City of Philadelphia; and (3) obtain money and property by means of false and fraudulent pretenses, representations, and promises.

3. On or about March 5, 2003, in the Eastern District of Pennsylvania and elsewhere, defendants

**JOSEPH F. HOFFMAN and
CHARLES P. MIRARCHI III
a/k/a "C.P.,"**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, knowingly caused to be delivered by mail according to the directions thereon, a letter from defendant HOFFMAN to defendant MIRARCHI, enclosing a check for \$4,000 from defendant HOFFMAN to defendant MIRARCHI, which falsely represented that defendant HOFFMAN was repaying a loan to defendant MIRARCHI, when, in fact, the \$4,000 check and letter referred to illegal payoffs that defendant HOFFMAN had received.

In violation of Title 18, United States Code, Sections 1341, 1346 and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 and 17 to 22 of Count One are incorporated here.

THE EXTORTION CONSPIRACY

2. From in or about May 2002 through in or about March 2003, in the Eastern District of Pennsylvania and elsewhere, defendants

JOSEPH F. HOFFMAN and MENACHEM REIBENBACH

conspired and agreed together, and with CHARLES P. MIRARCHI III, a/k/a "C.P." and with others known and unknown to the grand jury, to commit extortion, which would obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that, defendants JOSEPH F. HOFFMAN and MENACHEM REIBENBACH conspired to obtain money that was not due defendant HOFFMAN, or his office, from Person # 15, with his consent, under color of official right, in violation of Title 18, United States Code, Section 1951(a).

OVERT ACTS

In furtherance of this conspiracy, in the Eastern District of Pennsylvania, defendants JOSEPH F. HOFFMAN and MENACHEM REIBENBACH, and others known and unknown to the grand jury, committed the following overt acts:

1. On or about May 14, 2002, defendant MENACHEM REIBENBACH and Person # 15 discussed paying defendant JOSEPH F. HOFFMAN in exchange for HOFFMAN's help in dismissing or reducing thousands of dollars in outstanding parking tickets against the numerous taxi cabs operated by Person # 15 and defendant REIBENBACH.
2. On or about July 9, 2002, while Person # 15 was in Florida, defendant JOSEPH F.

HOFFMAN called Person #15's phone, and left a message seeking a meeting with Person # 15.

3. On or about July 9, 2002, while Person # 15 was in Florida, Person # 15 spoke with defendant MENACHEM REIBENBACH, who said that he had met with defendant JOSEPH F. HOFFMAN the previous day and that defendant HOFFMAN had a document showing that Person # 15 had more than \$47,000 in outstanding parking tickets. Defendant REIBENBACH also said that defendant HOFFMAN wanted a \$2,000 cash payoff to dismiss the tickets.

4. On or about July 9, 2002, while Person # 15 was in Florida, Person # 15 spoke with defendant JOSEPH F. HOFFMAN to arrange a meeting regarding the dismissal of Person # 15's parking tickets.

5. On or about July 19, 2002, Person # 15 told defendant JOSEPH F. HOFFMAN that Person # 15 would "take care" of defendant HOFFMAN when they met. Defendant HOFFMAN cautioned Person # 15 to be careful because they were on a telephone.

6. On or about July 23, 2002, defendant JOSEPH F. HOFFMAN and CHARLES P. MIRARCHI, III came to Person # 15's office. Defendant HOFFMAN told Person # 15 that MIRARCHI was an attorney who could "represent" Person # 15 to make the relationship "look more professional." Defendant HOFFMAN promised to clear up the tickets without Person # 15 coming into the BAA, and dismiss the tickets over time so it did not look like "a big hole in the wall."

7. On or about July 23, 2002, Person # 15 counted out \$2,000 in cash in defendant JOSEPH F. HOFFMAN's presence, and defendant HOFFMAN falsely told Person # 15 that the money would be MIRARCHI's "retainer."

8. On or about July 23, 2002, Person # 15 gave an envelope with the \$2,000 payoff to CHARLES P. MIRARCHI, III, which MIRARCHI then split with defendant JOSEPH F. HOFFMAN.

9. On or about August 2, 2002, CHARLES P. MIRARCHI, III informed Person # 15 that Person # 15 should write a check to the City of Philadelphia for \$9,600 to make the \$47,127 in parking tickets “go away,” and make an additional \$3,000 cash payoff to MIRARCHI to share with defendant JOSEPH F. HOFFMAN.

10. On or about August 2, 2002, Person # 15 gave CHARLES P. MIRARCHI, III an envelope containing the \$3,000 cash payoff, which MIRARCHI later split with defendant JOSEPH F. HOFFMAN.

11. On or about August 7, 2002, Person # 15 told defendant JOSEPH F. HOFFMAN that Person #15 was upset because HOFFMAN had given other companies better deals on their parking tickets. Defendant JOSEPH F. HOFFMAN told Person # 15 that HOFFMAN would review Person # 15's files and that Person #15 would be “very happy.”

12. On or about August 12, 2002, CHARLES P. MIRARCHI, III gave Person # 15 reports showing that numerous tickets had been dismissed on August 1 and 12, 2002. MIRARCHI and Person # 15 discussed decreasing the amount of money Person # 15 would pay to the City of Philadelphia and increasing the amount Person # 15 would pay to defendant JOSEPH F. HOFFMAN and MIRARCHI. MIRARCHI told Person #15 that Person # 15's tickets would be reduced over time to avoid “raising eyebrows,” and that Person # 15 could make six payments to the city totaling \$3,500, rather than paying the city the \$9,600 as originally agreed.

13. On or about August 30, 2002, Person # 15 and CHARLES P. MIRARCHI, III had a series of meetings during which MIRARCHI told Person # 15 that defendant JOSEPH F. HOFFMAN had dismissed 84 parking tickets and substantially reduced 24 parking tickets for Person # 15. In exchange for the dismissals, MIRARCHI asked Person # 15 to make an additional payment, and MIRARCHI and Person # 15 agreed that an additional payoff of “2Gs” would be fair.

14. On or about September 17, 2002, Person # 15 gave CHARLES P. MIRARCHI, III a \$2,000 cash payoff, which MIRARCHI later split with defendant JOSEPH F. HOFFMAN.

All in violation of Title 18, United States Code, Section 1951(a).

COUNTS SEVEN THROUGH NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 and 17 to 22 of Count One and Overt Acts 1 through 14 of Count Six are incorporated here.

2. On or about each of the dates set forth below, in the Eastern District of Pennsylvania, defendant

JOSEPH F. HOFFMAN

unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that, defendant HOFFMAN unlawfully obtained and attempted to obtain property and things of value, that is, money, more fully described below, which was not due defendant HOFFMAN or his office, from Person #15 with Person # 15's consent, under color of official right:

COUNT	DATE	DESCRIPTION OF PROPERTY
7	July 23, 2002	\$2,000
8	August 2, 2002	\$3,000
9	September 17, 2002	\$2,000

All in violation of Title 18, United States Code, Section 1951.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY